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ANNUAL REPORT

OFFICE OF THE CHIEF JUDGE

PROVINCIAL COURTS (FAMILY DIVISION)

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[Family Division]

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JURISDICTION



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PROVINCIAL COURTS (FAMILY DIVISION)

JURISDICTION

The jurisdiction of the Provincial Courts (Family Division) falls into four categories:

1. Prosecutions in respect of the criminal conduct of infant offenders and criminal conduct against infant victims (i.e., juvenile delinquency and contributing to delinquency).
2. Proceedings in respect of child protection and neglect.
3. Inter-spousal rights and obligations (i.e., support, freedom from molestation, possession of the matrimonial home).
4. Parent-child rights and obligations (i.e., support, custody, access, freedom from molestation).

By virtue of The Provincial Courts Act, the court interprets and applies the law contained in the following statutes, administered by the department of government noted:

CRIMINAL CODE of Canada - Federal Department of Justice:

In respect of intra-familial crimes (e.g., assaults, threatening, incest), Provincial Judges who ordinarily preside over the Provincial Courts (Family Division) hear these matters, but as they are conducted under the Criminal Code of Canada, the Judge must reconstitute the Court as a Provincial Court (Criminal Division).

JUVENILE DELINQUENTS ACT of Canada - Federal Department  
of the  
Attorney General

THE FAMILY LAW REFORM ACT -	)	
THE RECIPROCAL ENFORCEMENT OF	)	
MAINTENANCE ORDERS ACT -	)	Ontario Ministry
	)	of the
THE MINORS' PROTECTION ACT -	)	Attorney General
THE CHILD WELFARE ACT -	)	
	)	Ontario Ministry
THE TRAINING SCHOOLS ACT -	)	of Community &
	)	Social Services
THE EDUCATION ACT -		
		Ontario Ministry
		of Education



JUDICIARY





JUDICIAL COMPLEMENT



AS AT MARCH 31, 1979CRIMINAL/FAMILY

Bogusky, R.E.  
Caldbeck, J.H.  
Cloutier, G.E.  
Deacon, J.A.  
Gauthier, H.W.  
Geiger, L.S.  
Kenrick, E.W.  
McKenzie, D.A.  
McLennan, A.D.  
Mitchell, R.B.  
Smith, D.C.

FAMILY

Abella, R.S.  
Allen, J.B.  
Andrews, H.T.G. (Chief Judge)  
Babe, M.W.  
Ball, C.R.  
Bean, D.A.  
Beaulieu, L.A.  
Bennett, J.F.  
Bick, H.H.  
Budgell, R.L.  
Creighton, W.W. (Per Diem)  
De Koning, L.G.  
Docherty, T.L.  
Donald, R.H.  
Durham, W.L.  
Egener, F.T. (Per Diem)  
Evans, J.J.  
Fair, R.H.  
Felstiner, J.P.  
Fisher, F.S.  
Fox, W.H. (Per Diem)  
Fuller, A.J.  
Gammell, J.M.  
Genest, M.H.  
Glowacki, P.S.  
Golden, W.F.  
Goulard, G.Y. (On Leave)  
Guzzo, G.J.  
Hamilton, R.J.  
Hamlyn, P.D.  
Holder, G.D. (Part-Time)  
James, J.C.M.  
Karswick, J.D.  
Kent, D.F.  
Kirkland, D.K.  
Lalande, R.  
Little, W.T. (Per Diem)  
MacLatchy, W.E.  
Main, D.R.  
Maloney, M.C.  
Michel, J.P.  
Moore, T.M.  
Morrison, D.F.  
Morton, M.D.  
Nasmith, A.P.  
Nighswander, Q.L. (Per Diem)  
Pickett, W.J.  
Robson, J.T.  
Runciman, R.T.  
Slater, H.J.  
Stauth, R.E.  
Thompson, B.C.  
Thompson, B.E.  
Thomson, G.M. (On Leave)  
Wallace, G.E. (Per Diem)  
Walmsley, R.J.K. (Associate Chief  
Wang, K. Judge)  
Weisman, N.  
Wilkins, H.D.

UNIFIED FAMILY COURT

Gravelly, R.T.P.  
Steinberg, D.M.  
Van Duzer, J.E.

BREAKDOWN:

1 Chief Judge  
1 Associate Chief Judge  
48 F/T Fam. Div.  
6 P/D Fam. Div.  
1 P/T Fam. Div.  
2 On Leave  
11 F/T Crim/Fam. Div.  
3 UFC



PROVINCIAL COURT (FAMILY DIVISION)JUDICIAL COMPLEMENT AS AT MARCH 31, 1979

Full-Time Family Division	50
Per Diem/Part-Time Family Division	7
On Leave	2
Serving Criminal & Family Divisions	11
Serving Unified Family Court	3
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TOTAL COMPLEMENT	73
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PROVINCIAL COURT (FAMILY DIVISION)JUDICIAL APPOINTMENTS AND RETIREMENTS FOR THE FISCAL YEARENDING MARCH 31, 1979A P P O I N T M E N T S

Judge R.J.K. Walmsley as Associate Chief Judge	-	October 4, 1978
Judge Richard H. Donald	-	Durham - July 17, 1978
Judge Garry J. Guzzo	-	Ottawa - November 14, 1978
Judge D. Kent Kirkland	-	Hastings - March 5, 1979

R E T I R E M E N T S

Judge H.W. McNeill	-	Durham - April 30, 1978
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TRAINING AND DEVELOPMENT

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## TRAINING AND DEVELOPMENT

### JUDICIAL

1. Programs for the Judiciary were held in:
  - Ottawa-Montreal ..... July 17-21, 1978
  - Toronto ..... September 28-30, 1978
  - \*Toronto ..... November 19-24, 1978
  - \*Toronto ..... November 26-Dec. 1, 1978
  - (\*Conducted by the Office of the Chief Judge)
2. The Canadian Association of Provincial Court Judges sponsored a program in Vancouver, November 5-11, for newly-appointed Judges.

Ontario Judges attending:

Chief Judge H. T. G. Andrews  
(Instructor at Program)

Associate Chief Judge R. J. K. Walmsley  
Judge R. H. Donald  
Judge J. M. Gammell

### OTHERS

3. The Chief Judge's Law Clerk and Executive Assistant prepared and conducted training programs on the Family Law Reform Act for members of the Provincial Benefits Branch of the Ministry of Community and Social Services and staff of the Department of Social Services, Metropolitan Toronto, at the following centres:

#### 1978

Toronto .....	May 9-10
Waterloo .....	June 23
North Bay .....	June 29
Hamilton .....	July 12
Belleville .....	July 14
Hamilton .....	July 19
Toronto .....	August 10
Thunder Bay .....	August 17
Toronto .....	August 23
Toronto .....	September 13
Toronto .....	December 6
Toronto .....	December 13

#### 1979

Toronto .....	January 10
Toronto .....	January 17

(More than 800 persons were trained at these programs.)



TRAINING AND DEVELOPMENTSUMMER STUDENTS

3. Twenty six Courts participated in the 'Experience 78' Summer Student Program of the Youth Secretariat. 3,453 applications were received by the Office of the Chief Judge for the sixty-eight positions available. Fifty students were from Faculties of Law, eighteen from other disciplines.

Independent of the Experience '78 Program, six students conducted research for the Office of the Chief Judge on the following subjects:

- A) Joint Custody.
- B) Defences to truancy.
- c) Constitutionality of Provincial Support and Custody Laws in the face of the Federal Divorce Act.
- d) Extra Provincial enforcement of Custody Orders.
- e) No fault custody.
- f) The effectiveness of Maintenance Orders over a five year period.

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TRAINING MANUALS

Manuals were written and produced by the staff of the Office of the Chief Judge for Judicial Training Programs in Toronto and Vancouver.

A Training Manual was written by the staff of the Chief Judge's Office for Family Law Reform Act programs. Two thousand copies were produced by the Ministry of Community and Social Services for their field personnel.

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TRAINING AND DEVELOPMENT

SPECIAL CONFERENCES ATTENDED BY JUDGES OF THE  
PROVINCIAL COURT (FAMILY DIVISION)  
April 1, 1978 - March 31, 1979

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- May, 1978      -      a)    Association of Family Conciliation  
   Courts Conferences, Vancouver  
   Judge J.E. Van Duzer
- b)    Conference on Co-ordination of  
   Services for Children & Youth, Toronto  
   Judge W.L. Durham  
   Judge A.J. Fuller  
   Judge D.F. Kent
- c)    Ontario Association of Children's  
   Aid Societies  
   Judge D.A. Bean
- d)    O.I.S.E. Conference, Toronto  
   Judge D.F. Kent
- 
- Sept., 1978    -      a)    Canadian Association of Provincial  
   Court Judges - 5th Annual Meeting,  
   Calgary  
   Chief Judge H.T.G. Andrews
- b)    10th Congress of International  
   Association of Youth Magistrates,  
   Montreal  
   Chief Judge H.T.G. Andrews  
   and 35 Judges.

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COURT SERVICES



COURT SERVICES

No. OF FAMILY COURT OFFICES ..... 54  
(Plus the Unified  
Family Court)

No. OF LOCATIONS IN WHICH COURTS  
ARE HELD ..... 112

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COURT STAFF APPOINTED JUSTICES OF  
THE PEACE DURING THE YEAR ..... 6

JUSTICES OF THE PEACE AUTHORIZED  
TO PERFORM MARRIAGE CEREMONIES  
DURING THE YEAR ..... 21

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NEW ACCOMMODATION WAS PROVIDED FOR  
COURTS IN:

BELLEVILLE (County of Hastings)  
NAPANEE (Counties of Lennox  
and Addington)

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OFFICE OF THE CHIEF JUDGE



STAFF

CHIEF JUDGE H. T. G. ANDREWS

ASSOCIATE CHIEF JUDGE R. J. K. WALMSLEY

LAW CLERK ..... R. N. KOMAR

EXECUTIVE ASSISTANT ..... D. PROSSER

SECRETARY TO THE JUDGES ... P. CHU

RESEARCH OFFICER ..... O. LEITCH

CLERICAL ASSISTANT ..... M. WILLIS

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ACTIVITIES OF THE CHIEF JUDGE

COMMITTEES:

Acts as chairman and/or member of the following Committees:

Accommodation  
Board of Consultants, Centre of Criminology, University of Ottawa  
Board - Metro Toronto Family Court Conciliation Project  
Committee of the Bench and Bar  
County of York Law Association (Honourary Member)  
Family Court Clinic Resources Committee  
Judicial Advisory Council  
Judicial Council  
Justice of the Peace Review Council  
National Associations Active in Criminal Justice  
National Council of Juvenile Court Judges (U.S.A.)  
National Council on Crime and Delinquency (U.S.A.)  
Rules  
Task Force on Child Welfare Act Rules  
Task Force on Family Court Clinics

OFFICIAL FUNCTIONS:

Attend and participate in Swearing-in Ceremonies of new Family Division Judges. Guest at Swearing-in Ceremonies for new Judges of County and Supreme Courts. Participate in functions for retiring Judges of Family Court and Supreme Court.

Guest at functions of Benchers and of members, Law Society of Upper Canada.

Guest and/or resource person at functions of national and Ontario Branch, Canadian Bar Association.

Participant at opening ceremonies for new Courts and at New Year and Fall dedication ceremonies.

RESOURCE, LIAISON AND TRAINING:

To other committees and officials in government and in the private sector.

Occasional lecturer to various professional and student groups.

Resource person to Unified Family Court Pilot Project.

Arrange, prepare for and conduct meetings of Senior Judges.

Training of Judges of Family Courts in Ontario and a resource person for training of Judges in other provinces.

ANCILLARY DUTIES:

General supervision of office staff.



## ACTIVITIES OF THE OFFICE OF THE CHIEF JUDGE

In addition to the duties surrounding their primary responsibility for Court scheduling, the Chief Judge and his Staff carried out the following activities during the year:

1. Acted as legal reference source for Judges and Court Administrators, providing, on request, replies in oral or written form.  
(Includes preparation of statistical analyses, memoranda of legal opinion, interpretation of statutorily required procedures, etc.)
2. Held meetings, answered correspondence, supplied reference material or gave information on telephone to:
  - Ministries - Government of Ontario
  - Ministries - other Provincial Governments
  - Municipal Governments
  - Local Riding offices of the members of the Legislative Assembly
  - Public
  - Students (High School, Community College, University)
  - Media
3. Continued liaison with Family Benefits Branch, Ministry of Community and Social Services on the Parental Support Program.
4. Acted as resource for personnel of Children's Services Division, Ministry of Community and Social Services on matters including:
  - Transfer of jurisdiction over detention homes,
  - improvement of utilization of courtroom time,
  - production of rules for the revised Child Welfare Act, implementation of the Act.
5. Participation in the Director of Provincial Court Offices' Committee on Standardization of Procedures in Provincial Courts (Family Division) offices.
6. Arranged authorization for Court Administrators to perform marriages and transmitted the requisite documents.
7. Continued publication of "The Quill and Wig".  
(Judges' Association Quarterly.)



OFFICE OF THE CHIEF JUDGEPROJECTS - REPORTS - MEMORANDA - PROCEDURAL AIDS -  
PREPARED DURING THE FISCAL YEAR

1. Survey of Services in the Provincial Courts (Family Division) 2nd ed.
2. Financial Reports of the Provincial Courts (Family Edition)
3. Maintenance Assessment Form - Revised and circulated to 170 subscribers.
4. Statute Binders - New edition of inserts to 202 subscribers.
5. Report on methods of service under the Family Law Reform Act.
6. 'Directory of Provincial Judges and Courts' - New edition sent to 513 subscribers.
7. Commissioners Appointments - Collection of Judicial recommendations for appointments.
8. Summary of schedules, routes and mileage for circuit Judges serving the Family Division.
9. Analysis of judicial role in administration.
10. Survey on methods for releasing persons after payment of arrears. (Family Law Reform Act)
11. Recommendations on revised statistical format.
12. Factors relevant to the substantiation of the need for additional judiciary.
13. Suitability criteria for persons conducting special examinations.
14. Availability of translation services for French Divorce Orders.
15. Twenty day Judicial Activity Study.
16. Duration of Custody and Wardship cases over a six month period.
17. Restitution payments to schools.



## 18. QUESTIONNAIRES:

TO JUDGES:

- On Experience '78 requirements

TO ADMINISTRATORS:

- Maintenance Assessment Form (circulation list)
- Fiscal Year Report .
- Casual Staff
- Telephone Directory changes
- Special activities of the Court  
(For Minister's Annual Report)
- Judicial Schedules.

19. Twenty-nine memoranda were composed and circulated to all Family Division Administrators.

Forty-seven memoranda were composed and sent to Family Division Judges.

20. Ninety Judgements were circulated to Judges of the Provincial Court (Family Division).

21. Composition and submission of the Annual Report, 1977 - 78.

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OFFICE OF THE CHIEF JUDGEADDITIONAL ADMINISTRATIVE ACTIVITIES

LETTERS ..... 3,038 PIECES  
GENERAL CIRCULATION ..... 6,589 PIECES  
(Mailings to all Judges  
and Administrators)

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TOTAL MAIL VOLUME 9,627

(Increase of 991 over the preceding year)

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